

LUNENBURG PLANNING BOARD

TOWN OF LUNENBURG

Emerick R. Bakaysa, Chair
Joanna L. Bilotta-Simeone, Vice-Chair
Thomas W. Bodkin, Jr., Clk.
Robert J. Saiia, Mbr.
Nathan J. Lockwood, Mbr.
Marion M. Benson, Planning Director



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Minutes
November 7, 2011

Meeting Posted: Yes
Place: Town Hall, 17 Main Street, Lunenburg, MA 01462
Time: 6:30 PM

ROLL CALL:

Present: Emerick R. Bakaysa, Joanna L. Bilotta, Thomas W. Bodkin Jr., Robert J. Saiia, Nathan J. Lockwood, Marion M. Benson

MINUTES – APPROVAL: Signed 9-26-11, 10-24-11, and MASS PV1 LLC Information Meeting 10-24-11, Motion Mr. Saiia, Second, Mr. Lockwood.

NOTICES & COMMUNICATIONS: The following were noted: Conservation Commission Certificates of Compliance for 69 Island Road and 6 Beachview Road; both for septic systems. A Determination of Applicability for 26 Spring Street Extension for rebuilding on same footprint. Zoning Board of Appeals Special Permit for 50 Massachusetts Avenue to expand existing restaurant. Noted DPW correspondence regarding debris cleanup from the October 31st snow storm and resident drop-off at the Youngs Road landfill.

APPOINTMENT: Highfield Village- Project Engineer Kent Oldfield, New England Engineering Group familiarized the Board with the project. Project consists of 66 units. Entrance/exit on Northfield Road with emergency access on Pope Road. Project has gone through several changes over the past five to six years, which will be noted in the EIR (Environmental Impact Report) required by MEPA (Massachusetts Environmental Policy Act). MEPA site walk held 11-30-11. When the plan was originally submitted, a pump station was proposed at Northfield Road. With the subsequent creation of the Sewer Commission, the Commission requested sewer instead down Maple Parkway and White Street. Applicant has finished borings and project has to go to Weston & Sampson Environmental Consultants for review. Road widening will take place at the intersections of New West Townsend/Northfield Roads and Chase/Northfield Roads. Conduit will be installed at Chase/Northfield Roads for possible future installation of signalization. Applicant is working towards a 6-month timeline to get all required reports, paperwork, etc., completed in order to move forward with the project. Applicant currently has an Extension from the Planning Board which expires December 31, 2011. At that time, Applicant anticipates requesting another Extension.

COMMITTEE REPORTS:

MJTC- No report

MRPC- Meeting held 11-1-11. Nothing significant to report.

DPW Building Committee- Meeting biweekly on site. Core building dry walled and heating being installed. New building expected to arrive 2-3 weeks.

Capital Planning Committee- Meeting held at the Public Safety Facility Building with the Fire and Police Chiefs. Fire Chief asking for refurbishing of Engine 4 to extend vehicle's longevity for eight more years. Police Chief requesting 6 Tasers. Committee will meet 11-3-11 with Technology.

School Reconfiguration Committee- Advisory Committee presentation to the School Committee to be held 12-7-11, 7 pm, Town Hall. Presentation open to the public.

PLANNING DIRECTOR'S REPORTS/NEW BUSINESS:

Ms. Benson noted response to Mr. Bakaysa's previous inquiry as to the current attained percentage of subsidized housing in Lunenburg; Town has 132 units which equal 3.27% - need a total of 10%. Tri Town Landing has been State-approved for another building of 33 units, which will add to the 3.27%.

Special Town Meeting, 12-5-11

Zoning Articles- The Land Use Departments were provided copies of the two draft zoning bylaw articles and requested to provide any comments/input to the Planning Office prior to this evening's Board meeting. The two zoning articles were 1) Summer Street Revitalization Overlay District and, 2) Design Standards. Written comments were received from Ray Beal, Zoning Board of Appeals member.

Comments/Citizen Participation- Zoning Board of Appeals Chair, Donald Bowen, Ray Beal, and Michael Sauvageau, Zoning Officer/Building Commissioner were in the audience. Mr. Sauvageau felt that the Design Standards were not specific enough to be design standards, e.g., "Façade and roof colors shall be appropriate to the area.....", should instead specify what colors are appropriate. He also noted that if Design Standards is accepted at Special Town Meeting, other Sections of the Zoning Bylaw would have to be changed as they would conflict with the Design Standards, e.g., Permit Granting Authority (clarification of Zoning Board of Appeals or Planning Board). Mr. Beal's comments focused on the Design Standards Bylaw. He evaluated the proposed Article by considering the Citizen's Check List that is included in the front of Town Warrant. Mr. Beal felt that "the proposed change would impose unreasonable restraints on business people who may be looking for an opportunity to operate a business in the Commercial Zoning District", and that the "current zoning Bylaws provide ample control over the use of property". Adding Design Standards would be a "deterrent to an owner's willingness or incentive to invest in the productive use of commercial property in our Town". He felt that the Development Plan Review currently in place was enough, as visible with the Wal-Mart/Hannaford site. He was also concerned that if this is taken further, it could infringe on the personal rights of residential home owners. Mr. Bowen's additional comments were that as noted at the May 2011 Annual Town Meeting, the Design Standards were vague, and if an applicant appealed the Planning Board, they would always end up before the Zoning Board of Appeals. He also requested that when Town Counsel is engaged as to what the Planning Board can/cannot do, the Zoning Board of Appeals be included in the discussion for purposes of clarification. Ms. Benson will get comments in writing and work with Mr. Sauvageau on updating the Bylaw.

Horizon Christian Fellowship, 2005 Mass Ave- Public Hearing scheduled for November 21st for applicant to locate antennas for a Christian radio station on the telecommunications tower located at 2005 Massachusetts Avenue. Application to be reviewed by Mr. Marsden.

Mass PV1, LLC, 651 Chase Road-Solar Farm- Due to miscommunication regarding meeting date, in the Applicant's absence, Reviewing Engineer Mr. Marsden was asked to give a brief summary of Applicant's plan redesign as a result of the October 24th Information Meeting. Mr. Marsden noted that Applicant relocated some panels to provide more distance from abutters on West Townsend Road. Also, an additional two rows of plantings will be provided by the Applicant, thereby providing a total of four rows of plantings between the project and residential abutters adjacent to the 17 acre panel array area. Three abutters to the project viewed the revised plans. Stuart Leinson, 494 West Townsend Road, inquired if project was still in planning stages or had the Plan been approved? Ms. Benson did not anticipate any more revisions as the Plan meets the requirements of the Zoning Bylaw. Mr. Marsden noted that wetland buffers preclude moving the array sites closer to Chase Road. Brenda Whalen, 526 West Townsend Road, inquired as to what is meant by detention basins; Mr. Marsden defined. She is also concerned with her property value with a solar field in her "back yard". Ms. Benson noted these are allowed "by right", per the State. Mr. Leinson asked how the Town benefits from the solar farm. Ms. Benson responded that going Green is a benefit to the Town. Financial benefits do not fall under the Planning Board's jurisdiction. Ms. Whalen inquired if solar farms are allowed in residential zoning. Under the Zoning Bylaw, yes. Mr. Marsden noted that this site has been limited to 6 MegaWatts, if larger; it would then become a power company. As a private project it is limited to 6 MegaWatts under the Green Communities Act passed by the State legislature. Under the Green Communities Act this is considered a public utility, which is for the public good, and therefore, by right, can be sited in any zoning district. Baron Bowser, 512 West Townsend Road, noted he sent electronic mails to State Representative Jennifer Benson and State Senator Jennifer Flanagan. Senator Flanagan responded that she would look into it, but to her it sounded like a local issue. Mr. Bowser noted that the Planning Board is saying it is a State issue. He does not feel the public is aware that this is being sited in a heavy residential area.

Stone Farm- No response yet from Town Counsel regarding review of the Master Deed Amendment.

Summer Street- Alternative Analysis Meeting, 11-15-11, 7:30 PM, Town Hall. Some Board members will attend. November 1st Task Force meeting postponed due to October 1st storm.

Green Community Task Force- Article to be placed on Warrant for December 5th Special Town Meeting for Town to vote to become a Green Community. If passed, this does not become a section of the Zoning Bylaws of the Town. It may be included in the General Bylaws or a separate Town Law. Mr. Bodkin Jr. inquired if passed, is this predicate to a project? No. Mr. Marsden, former chair of the Green Community Task Force, noted that part of becoming a Green Community is by right placement of solar, wind, and cogeneration systems. Whether or not the Town votes to become a Green Community does not affect the by right aspect of solar farms. On November 17th the Task Force will hold a public meeting to discuss the Town “going green” and residents are encouraged to attend. Representatives from the State will be present to answer questions. If the Town votes to become a Green Community, it can then apply to the State for grants. Mr. Marsden referred back to the abutter question regarding any financial benefit to the Town from the solar farm application for 651 Chase Road – the site is considered Real Property and therefore the panels are taxable, which will generate revenue for Lunenburg.

DEVELOPMENT STATUS REPORTS:

DPW Facility, Chase Road- Weekly progress reports on file in Planning Office.

Emerald Place at Lake Whalom, 10 Lakefront- Weekly progress reports note construction on Building 56 commencing and work continuing on Villa units 9 and 11.

Highfield Village, Mass Ave/Northfield Road- See appointment above.

Tri Town Landing- DHCD (Department of Housing and Community Development) has provided additional subsidies to Lunenburg for Tri Town Landing to construct another building of 33 units. Prior to construction, the developer must ensure that there is still enough water and power available from the city of Fitchburg to support the building.

UNFINISHED BUSINESS/OLD BUSINESS:

See Above Planning Director's Reports and Development Status Reports

MEETING SCHEDULE:

November- 11-21-11, Planning Board Meeting, Public Hearings for Zoning Articles and Horizon Christian Fellowship, 2005 Mass Ave, Town Hall.

December- 12-12-11, Planning Board meeting, Town Hall.

OFFICE- Massachusetts Municipal Association (MMA)- Packets received in the Planning Office and distributed to Board members. Funds are not available in the Planning budget for Board members to attend MMA Annual Conference. Ms. Benson noted that monies will be needed for updating of the Rules and Regulations Governing the Subdivision of Land.

MEMBER ISSUES: Ms. Benson felt that the Design Standards Bylaw needed more work and should not be a Warrant Article for the December Special Town Meeting. Mr. Bodkin Jr. and Ms. Bilotta felt that once Mr. Sauvageau and Ms. Benson work together on verbiage revisions, the Bylaw will be ready for the December Special Town Meeting. If necessary, a Planning Board workshop regarding the Warrant Zoning Articles will be scheduled for 5:00 PM, November 21st, prior to the Planning Board meeting.

ADJOURNMENT: Ms. Bilotta, Motion to adjourn Regular Session, enter into Executive Session, not to return to Regular Session, Second, Mr. Lockwood, Roll Call Vote, Mr. Lockwood, aye; Mr. Saiia, aye; Mr. Bodkin Jr., aye; Mr. Bakaysa, aye; Ms. Bilotta, aye. Adjourned 9:30 PM.